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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,) No. CR-09-045-JLQ-1
8 Plaintiff,) ORDER GRANTING MOTION AND
9 v.) SETTING CONDITIONS
10 JAMES WILLIAM DOUGLAS JUDD,) OF RELEASE
11 Defendant.) Motion Granted
12) (Ct. Rec. 63)
13) Action Required

14 Date of Motion hearing: April 23, 2009.

15 **IT IS ORDERED** that the release of the Defendant is subject to the
16 following:

17 **STANDARD CONDITIONS OF RELEASE**

- 18 (1) Defendant shall not commit any offense in violation of federal,
19 state or local law. Defendant shall advise the supervising Pretrial
Services Officer and defense counsel within one business day of any
charge, arrest, or contact with law enforcement.
- 20 (2) Defendant shall immediately advise the court, defense counsel
21 and the U.S. Attorney in writing before any change in address and
telephone number.
- 22 (3) Defendant shall appear at all proceedings as required and shall
23 surrender for service of any sentence imposed as directed.
- 24 (4) Defendant shall sign and complete A.O. 199C before being
released and shall reside at the addressed furnished.
- 25 (5) Defendant shall not possess a firearm, destructive device or
26 other dangerous weapon.
- 27 (6) Defendant shall report to the United States Probation Office
before or immediately after release and shall report as often as
28 they direct, at such times and in such manner as they direct.

1 at least once a week by phone .
2

3 (7) Defendant shall contact defense counsel at least ~~once~~^{3times} a week.

4 (8) Defendant is further advised, pursuant to 18 U.S.C. § 922(n),
5 it is unlawful for any person who is under indictment for a crime
6 punishable by imprisonment for a term exceeding one year, to
7 possess, ship or transport in interstate or foreign commerce any
8 firearm or ammunition or receive any firearm or ammunition which has
9 been shipped or transported in interstate or foreign commerce.

10 BOND

11 (9) Defendant shall:

12 Execute an unsecured appearance bond in the amount of dollars
13 (\$_____) in the event of a failure to appear as required or
14 to surrender as directed for service of any sentence imposed.

15 Execute an unsecured appearance bond, to be co-signed by
16 Defendant's cousin, Ms. Wilson, in the amount of **Fifty Thousand**
17 **Dollars** (\$50,000.00) in the event of a failure to appear as required
18 or to surrender as directed for service of any sentence imposed.

19 Execute: \$_____ corporate surety bond

20 \$_____ property bond

21 \$_____ cash bond

22 \$500,000 percentage bond, with \$50,000 paid in
23 cash, **SUBJECT TO A NEBBIA HEARING**

24 ADDITIONAL CONDITIONS OF RELEASE

25 Upon finding that release by one of the above methods will not by
26 itself reasonably assure the appearance of the Defendant and the
27 safety of other persons and the community,

28 **IT IS FURTHER ORDERED** that the release of the Defendant is subject
to the following additional conditions:

1 (10) Defendant must sign and file with this court a Waiver of
2 Extradition that reflects it was reviewed and explained, not only by
3 Defendant's criminal defense attorney in the captioned matter, but
4 also by Defendant's Canadian attorneys, for purposes of validity
5 under Canadian law. Defense counsel also shall sign the Waiver.
6 Consultation with Canadian counsel may be by telephone at the
7 Spokane County Jail, or Defendant may request a custodial telephonic
8 meeting to occur at the United States Courthouse in Spokane. If
9 consultation with Canadian counsel is telephonic, a separate
10 declaration signed by the Canadian counsel, certifying a
11 consultation has occurred, may be filed in lieu of a signature on
12 the Waiver.

13 (11) Within seven (7) days of Defendant's arrival in Canada, he
14 shall execute a separate Waiver of Extradition on Canadian soil, in
15 accordance with the Extradition Treaty between the United States and
16 Canada.

17 (12) Defendant timely shall arrange with the U.S. Attorney for
18 the proper "parole documents," which reflect permission by the
19 appropriate United States agencies to authorize Defendant's re-entry
20 into the United States for purposes of attending the pretrial
21 conference and trial and any other court or commitment dates.

22 (13) The Defendant is placed with:

23 _____
24 Name of person or organization

25 _____
26 Address

27 _____ Tele. Number
28 City and State Tele. Number

28 _____ Date
Signature Date

1 who agrees to sign a copy of this Order, **to be kept in Pretrial**
2 **Services' file**; supervise the Defendant consistent with all the
3 conditions of release; use every effort to assure the appearance of
4 the Defendant at all scheduled court proceedings; and notify the
5 court immediately in the event the Defendant violates any conditions
6 of release or disappears.

- 7 (14) Maintain or actively seek lawful employment.
8 (15) Maintain or commence an education program.
9 (16) Surrender any passport to Pretrial Services and does not
10 apply for a new passport.
11 (17) Defendant shall remain in the:

12 Eastern District of Washington or State of Washington
13 while the case is pending. On a showing of necessity, Defendant may
14 obtain prior written permission to leave this area from the United
15 States Probation Office.

16 Exceptions:
17 _____
18 _____

19 (18) Avoid all contact, direct or indirect, with any persons who
20 are or who may become a victim or potential witness in the subject
21 investigation or prosecution, including but not limited to:
22 _____
23 _____

24 (19) Avoid all contact, direct or indirect, with:

25 Known felons

26 Co-Defendant(s)

27 (20) Undergo medical or psychiatric treatment and/or remain in an
28 institution as follows:

- 1 _____
- 2 (21) Refrain from: any excessive use of alcohol
- 3 (22) There shall be no alcohol in the home where Defendant
- 4 resides.
- 5 (23) There shall be no firearms in the home where Defendant
- 6 resides.
- 7 (24) Refrain from use or unlawful possession of a narcotic drug
- 8 or other controlled substances defined in 21 U.S.C. § 802, unless
- 9 prescribed by a licensed medical practitioner.
- 10 (25) Except for employment purposes, Defendant shall not have
- 11 access to the internet, including cell phones with internet access.
- 12 (26) Defendant may not be in the presence of minors, unless a
- 13 responsible, knowledgeable adult is present at all times.

14 **SUBSTANCE ABUSE EVALUATION AND TREATMENT**

15 If Defendant is required to submit to a substance abuse evaluation,
inpatient or outpatient treatment, the following shall apply:

16 Defendant shall complete treatment indicated by an evaluation or
recommended by Pretrial Services and shall comply with all rules of
a treatment program. Defendant shall be responsible for the cost of
testing, evaluation and treatment, unless the United States
Probation Office should determine otherwise. The United States
Probation Office shall also determine the time and place of testing
and evaluation and the scope of treatment. If Defendant fails in
any way to comply or cooperate with the requirements and rules of a
treatment program, Pretrial Services shall notify the court and the
U.S. Marshal, who will be directed to immediately arrest the
Defendant.

22 Defendant shall participate in one or more of the following
23 treatment programs:

24 (27) **Substance Abuse Evaluation:** Defendant shall undergo a
25 substance abuse evaluation:

26 if directed by a U.S. Probation Officer.

27 as directed by a U.S. Probation Officer.

28 Prior to release, Defendant must have an appointment for a

1 substance abuse evaluation, and the appointment must be
2 confirmed to the court by Pretrial Services. Defendant will
3 be released:

4 one day prior to, or on the morning of his appointment.

5 **(28) Inpatient Treatment:** Defendant shall participate in an
6 intensive inpatient treatment program.

7 Prior to release, an available bed and date of entry must be
8 confirmed by Pretrial Services.

9 Defendant will be released to an agent of the inpatient
10 program on _____.

11 Prior to release from inpatient treatment, an outpatient
12 treatment program must be presented to the court. If
13 Defendant does not have a structured outpatient treatment
14 program in place prior to conclusion of inpatient treatment,
15 Defendant automatically will go back into the custody of the
16 U.S. Marshal.

17 Following inpatient treatment, Defendant shall participate in
18 an aftercare program.

19 **(29) Outpatient Treatment:** Defendant shall participate in
20 intensive outpatient treatment.

21 Prior to release, an appointment for Defendant's first
22 counseling session must be made and confirmed by Pretrial
23 Services. Defendant will be released:

24 one day prior to, or on the morning of his appointment

25 **(30) Other:** _____

26 _____

27 _____

28 _____

1 (31) Prohibited Substance Testing: If random urinalysis testing
2 is not done through a treatment program, random urinalysis testing
3 shall be conducted through Pretrial Services, and shall not exceed
4 six (6) times per month. Defendant shall submit to any method of
5 testing required by the Pretrial Service Office for determining
6 whether the Defendant is using a prohibited substance. Such methods
7 may be used with random frequency and include urine testing, the
8 wearing of a sweat patch, a remote alcohol testing system, and/or
9 any form of prohibited substance screening or testing. Defendant
10 shall refrain from obstructing or attempting to obstruct or tamper,
11 in any fashion, with the efficiency and accuracy of prohibited
12 substance testing. Full mutual releases shall be executed to permit
13 communication between the court, Pretrial Services, and the
14 treatment vendor. Treatment shall not interfere with Defendant's
15 court appearances.

HOME CONFINEMENT/ELECTRONIC/GPS MONITORING

17 (32) Defendant shall participate in one or more of the following
18 home confinement program(s):

19 **Electronic Monitoring.** The Defendant shall participate in a
20 program of electronically monitored home confinement. The
21 Defendant shall wear, at all times, an electronic monitoring
22 device under the supervision of U.S. Probation. In the event the
23 Defendant does not respond to electronic monitoring or cannot be
24 found, the U.S. Probation Office shall forthwith notify the
25 United States Marshals' Service, who shall immediately find,
26 arrest and detain the Defendant. The Defendant shall pay all or
27 part of the cost of the program based upon ability to pay as
28 determined by the U.S. Probation Office.

1 **GPS Monitoring.** The Defendant shall participate in a program
2 of GPS confinement. The Defendant shall wear, at all times, a
3 GPS device under the supervision of U.S. Probation. In the event
4 the Defendant does not respond to GPS monitoring or cannot be
5 found, the U.S. Probation Office shall forthwith notify the
6 United States Marshals' Service, who shall immediately find,
7 arrest and detain the Defendant. The Defendant shall pay all or
8 part of the cost of the program based up ability to pay as
9 determined by the U.S. Probation Office.

10 **Curfew.** Defendant shall be restricted to his/her residence:

11 every day from _____ to _____

12 as directed by the Pretrial Services Office

13 **Home detention.** Defendant shall be restricted to his/her
14 residence at all times except for: attorney visits; court
15 appearances; case-related matters; court-ordered obligations; or
16 other activities as pre-approved by the Pretrial Services Office
17 or supervising officer, as well as:

18 employment education religious services

19 medical, substance abuse, or mental health treatment

20 Maintain residence at a halfway house or community corrections
21 center, as deemed necessary by the Pretrial Services Office or
22 supervising officer.

23 DATED April 24, 2009.

24 
25 _____
26 CYNTHIA IMBROGNO
27 UNITED STATES MAGISTRATE JUDGE
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